

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|                 |  |   |                        |
|-----------------|--|---|------------------------|
| Application of: | Kipp et al.  | ) |                        |
|                 |  | ) |                        |
| Serial No.:     | 09/874,499   | ) | Art Unit: 1615         |
|                 |  | ) |                        |
| Filed:          | June 5, 2001   | ) | Examiner: Simon J. Oh  |
|                 |  | ) |                        |
| Title:          | Microprecipitation Method for Preparing<br>Submicron Suspensions | ) | Confirmation No.: 6158 |
|                 |  | ) |                        |
| Docket No.:     | CPIFT-5726   | ) |                        |

TERMINAL DISCLAIMER PURSUANT TO 37 CFR 1.321

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

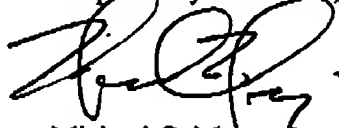
Sir:

The owner, Baxter International Inc., of one hundred percent (100%) interest in the instant application, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term of Patent numbers 6,607,784; 6,884,436; and 6,869,617 (collectively, "Prior Patents"), or which would extend beyond the expiration date of the full statutory term of any patent granted on Application number 09/953,979, filed September 17, 2001; and Application number 10/035,821, filed October 19, 2001 (collectively, "Prior Applications"), as each such term is defined in 35 U.S.C. 154 to 156 and 173, and as each such term of a Prior Patent is presently shortened by any terminal disclaimer or as each such term of any patent granted on a Prior Application may be shortened by any terminal disclaimer filed prior to the grant of any patent on a Prior Application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any Prior Patent and any patent granted on the Prior Applications are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

Application No. 09/874,499  
Terminal Disclaimer  
Page 2

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154 to 156 and 173 of the Prior Patents as presently shortened by any terminal disclaimer or of any patent granted on the Prior Applications as same may be shortened by any terminal disclaimer filed prior to the grant on any patent on a Prior Application, in the event that such Prior Patent or any such patent granted on a Prior Application later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer of a Prior Patent or as shortened by any terminal disclaimer filed prior to grant of a patent on a Prior Application.

Respectfully submitted,



Michael C. Mayo  
Registration No. 38,545  
Attorney for Applicants

April 27, 2005

BAXTER INTERNATIONAL INC.  
One Baxter Parkway, DF3-2E  
Deerfield, IL 60015  
847-948-2136  
slg/